

**DECISION ON THE REVIEW AND ASSESSMENT OF THE PLAN SUBMITTED UNDER
PARAGRAPH 2 OF SECTION XV**

Party concerned: Ukraine

In accordance with the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”, contained in the annex to decision 27/CMP.1 (procedures and mechanisms)¹ and adopted under Article 18 of the Kyoto Protocol and the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (rules of procedure),² the enforcement branch adopts the following decision.

I. BACKGROUND

1. The final decision of the enforcement branch taken on 7 September 2016 (CC-2016-1-6/Ukraine/EB) gave effect to the findings and consequences contained in paragraph 27 and paragraph 32, subparagraphs (a) and (b), of the preliminary finding of the branch (CC-2016-1-4/Ukraine/EB), as confirmed by and annexed to the final decision. According to paragraph 32 (b) of the preliminary finding, Ukraine was to develop a plan referred to in paragraph 1 of section XV, in accordance with the substantive requirements of paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure, submit it within three months to the branch in accordance with paragraph 2 of section XV, and report on the progress of its implementation in accordance with paragraph 3 of section XV.

2. On 5 December 2016, Ukraine submitted a document entitled “Plan submitted in accordance with paragraph 32 (b) of preliminary finding (CC-2016-1-4/Ukraine/EB), confirmed by the final decision of the Enforcement Branch concerning Ukraine (CC-2016-1-6/Ukraine/EB) and referred to in paragraph 1 of section XV, in accordance with the substantive requirements of paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure of the Compliance Committee of the Kyoto Protocol” (CC-2016-1-7/Ukraine/EB; hereinafter referred to as the “plan”). In accordance with paragraph 2 of rule 10 of the rules of procedure, the plan was deemed received by the branch on 6 December 2016.

3. In accordance with paragraph 2 of section XV and paragraph 3 of rule 25 bis of the rules of procedure, the branch reviewed and assessed the plan submitted by Ukraine. The review and assessment were conducted by electronic means as provided under paragraph 2 of rule 11 of the rules of procedure.

II. INFORMATION SUBMITTED, PRESENTED AND CONSIDERED

4. In its plan, Ukraine provided an overview of the analysis of the causes of non-compliance, the measures Ukraine intends to implement or has implemented in order to remedy the non-compliance and a timetable for implementing such measures.

III. REASONS AND CONCLUSIONS

5. The branch concludes, based on the information submitted, presented and considered, that the plan meets the requirements set out in paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure. The branch notes that not all the measures described in the plan have yet been implemented and urges Ukraine to carry out all the measures contained in the plan.

¹ All section references in this document refer to the procedures and mechanisms.

² All references to the rules of procedure in this document refer to the rules contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.

6. The branch notes that the findings of non-compliance referred to in paragraph 1 above concern matters related to the reporting requirements under Article 7, paragraph 1, in conjunction with paragraph 4, of the Kyoto Protocol and the guidelines adopted thereunder and that the consideration by the branch of the plan referred to in paragraph 2 above for the purposes of the present decision was informed by the scope of these findings.

7. The branch also notes that full implementation by Ukraine of the measures set out in the plan referred to in paragraph 2 above will be required for the branch to consider whether the question of implementation has been resolved and that consideration by the branch of this matter might also be facilitated by the information contained in the report on the review of the 2016 annual submission of Ukraine.

8. In accordance with paragraph 3 of section XV, Ukraine is to submit to the branch progress reports on the implementation of the plan on a regular basis. The branch invites Ukraine to submit the first of such progress reports not later than by the end of March 2017, and subsequent progress reports thereafter on a periodic basis, at least every three months.

IV. DECISION

9. In accordance with paragraph 2 of section XV and paragraph 3 of rule 25 bis of the rules of procedure, it is the assessment of the branch that the plan:

- (a) Sets out and adequately addresses, in separate sections, each of the elements specified in paragraph 2 of section XV; and
- (b) If implemented, is expected to remedy the non-compliance.

Members and alternate members participating in the consideration and elaboration of the decision:
Eva ADAMOVA, Joseph AITARO, Mohammad ALAM, Zhihua CHEN, Victor FODEKE, José Antonio GONZALEZ NORRIS, Tuomas KUOKKANEN, Gerhard LOIBL, Sébastien NGUYEN-BLOCH, Ahmad RAJABI, Orlando REY SANTOS, Iryna RUDZKO, Jacob WERKSMAN

Members participating in the adoption of the decision: Joseph AITARO, Mohammad ALAM, Zhihua CHEN, Tuomas KUOKKANEN, Gerhard LOIBL, Ahmad RAJABI, Orlando REY SANTOS, Iryna RUDZKO, Jacob WERKSMAN (alternate member serving as member)

This decision was adopted by consensus in Bonn on 20 December 2016.

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